

REMARKS

Applicant herein provides a response to the Office Communication mailed from the USPTO on March 14, 2011.

Application Status:

Applicant appreciates the Examiner's acknowledgement of the Response filed on January 7, 2011 and the Affidavit filed on January 19, 2010.

Claim Disposition:

The Examiner has stated in the most-recent Office Action mailed on March 14, 2011 that claims 1-3, 5, 7-9 and 11-13 are pending. Applicant respectfully asserts that it is actually claims 1-3, 5, 7-9, 11-13, and 17-20 that are currently pending in this application. Herein, Applicant cancels claim 3 without prejudice or disclaimer of the subject matter thereof. Applicant is available to provide further clarification if it is needed on this matter and is also available at the Examiner's convenience to discuss this issue with her in detail.

Claim Objection:

The Examiner contends that claims 12-13 improperly depend from a rejected base claim. Applicant respectfully disagrees as both claims depend from claim 1. Applicant is again available to provide further clarification at the Examiner's convenience to discuss this issue, as well.

Rejection Under 35 U.S.C. 112:

The Examiner has rejected claim 3 under 35 U.S.C. 112 for the reasons of record. Solely for the sake of advancing prosecution, Applicant herein cancels claim 3 rendering this rejection moot.

Rejection Under 35 U.S.C. 102(e):

The Examiner has rejected claims 1-3, 5, 7-9 and 11 under 35 U.S.C. 102(e) for the reasons of record. Specifically, The Examiner contends that the claims are anticipated by Lewis et al. (U.S. Patent No. 6,706,289).

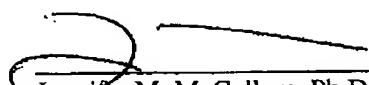
The Examiner contends that the Affidavit previously filed was not sufficient to render this rejection moot. Applicant respectfully requests a telephonic interview to better understand the Examiner's request and will provide the requested modified Affidavit after gaining a better understanding of what she would like to see in the document. Applicant is willing to immediately work with the Examiner to ensure she is satisfied with a modified version to be signed by the relevant parties and has called the Examiner prior to filing this Response to ensure she understands that Applicant is willing to work with her to resolve this matter.

Conclusion:

In view of the foregoing remarks, Applicant respectfully requests reconsideration and examination as to the merits of the application. If the Examiner notes any further matters which would be expedited by a telephonic interview, she is requested to contact Dr. Jennifer M. McCallum at the telephone number listed below.

Respectfully Submitted,

September 13, 2011
Date


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